

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LUKE RYAN,)	CASE NO. 3:23-CV-1852
)	
Petitioner,)	JUDGE CHARLES E. FLEMING
)	
vs.)	MAGISTRATE JUDGE
)	CARMEN E. HENDERSON
WARDEN JAY FORSHEY,)	
)	OPINION AND ORDER ADOPTING
Respondent.)	MAGISTRATE’S REPORT AND
)	RECOMMENDATION

On September 25, 2023, Petitioner Luke Ryan (“Petitioner”) filed a Petition for a Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 4). On June 3, 2024, Magistrate Judge Carmen E. Henderson submitted a Report and Recommendation (“R&R”), recommending that the Court deny the Petition in its entirety because all the claims were procedurally defaulted or non-cognizable. (ECF No. 15).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to an R&R within fourteen (14) days after service. The R&R gave the parties notice of the 14-day time limit for filing objections. (ECF No. 15). As of the date of this decision, neither party filed any objections.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of the portions of the R&R to which the parties objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt an R&R without further review. *See Peretz v. US*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42, 149–50 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Henderson’s Report and Recommendation, incorporates it fully herein by reference, and **DENIES** the Petition. The Court

also finds that there is no basis upon which to issue, and will not issue, a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c). The Court certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: August 5, 2024

A handwritten signature in cursive script, reading "Charles E. Fleming".

CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE